



MEMORANDUM

TO: **All NH Title XIX Enrolled Providers**
FROM: **EDS and NH Medicaid**
DATE: **June 2007**
SUBJECT: **Employee Education About False Claims Recovery**

This is to inform you that the department is implementing Section 6032 of the Deficit Reduction Act of 2005 (DRA) which established Section 1902(a)(68) of the Social Security Act.

Please note that if you, as an "entity," receive or make payments for Medicaid covered services which total at least \$5,000,000 annually, then it is your responsibility, as a condition of receiving such payments, to establish and disseminate written policies to all employees, and any contractor or agent of the entity, which include detailed information about the [False Claims Act](#), and other provisions in [Section 1902\(a\)\(68\)\(A\) of the Social Security Act](#).

For calculation and compliance purposes, the annual time period is based upon a federal fiscal year. An entity will have met the \$5,000,000 annual threshold as of January 1, 2007, if it received or made payments in that amount in federal fiscal year 2006 (which ends September 30, 2006). If this is applicable to you, please put these requirements in place as soon as possible. We are currently running reports which will identify those entities that have met the \$5,000,000 annual threshold, and we will notify the applicable entities. However, this will not release entities from the responsibility to self identify if they have met the threshold amount. Future determinations regarding an entity's responsibilities under the DRA based on the \$5,000,000 threshold amount will be made by January 1 of each subsequent year based upon the amount of Medicaid payments an entity received or made during the preceding federal fiscal year.

Attached, please find a [Dear State Medicaid Director letter, SMDL #06-025](#), which provides a detailed explanation of the requirements and which also defines "entities." Information regarding the False Claims Act is also attached, as is the pertinent section of the Social Security Act.

If you have any questions as to the education requirements or your obligation to follow these requirements, please contact Nita Tomaszewski at 1-800-852-3345, extension 3772 (in-state only), or (603) 271-3772.